

# **Table of Contents**

## **PART I. YEAR IN REVIEW**

### **CHAPTER 1. YEAR IN REVIEW**

§ 1:1 Generally

### **CHAPTER 2. RULE MAKING AUTHORITY**

§ 2:1 Criminal Code, ss. 482, 482.1

§ 2:2 Related Provision: Courts of Justice Act, R.S.O. 1990,  
c. C.43, ss. 69, 70, 70.1

§ 2:3 Commentary

§ 2:4 Case Law

### **CHAPTER 3. COURT REFORM**

§ 3:1 Introduction

§ 3:2 Highlights of Impact on Court Proceedings

§ 3:3 Highlights of Impact on Court Structure

§ 3:4 Judicial Regions

§ 3:5 Appointments

§ 3:6 Statutory Framework

§ 3:7 Rights of Appearance for Lawyer Licensing Process  
Candidates

## **PART II. CRIMINAL APPEAL RULES — COURT OF APPEAL**

### **CHAPTER 4. COURT OF APPEAL CRIMINAL PRACTICE DIRECTIONS**

§ 4:1 Introduction

§ 4:2 Practice Direction Concerning Criminal Appeals at  
the Court of Appeal for Ontario (March 2017)  
amended October 2021 and June 2021

§ 4:3 General Practice Direction Regarding All  
Proceedings in the Court of Appeal

§ 4:4 Practice Direction Regarding Accessing Court  
Documents and Exhibits from Lower Courts for  
Purposes of Preparing Appeal Books in Criminal  
Appeals (November 2021)

- § 4:5 Guidelines for Filing Electronic Documents at the Court of Appeal for Ontario (March 2017)
- § 4:6 Reference Guide for Citation at the Court of Appeal for Ontario (March 2017)
- § 4:7 List of Frequently Cited Criminal Authorities (September 2022)
- § 4:8 Appeal Management Forms
- § 4:9 Counsel Slip and Hearing Information Form (May 2025)
- § 4:10 Addendum to Notice of Appeal for Inmate Appeal or Combined Notice of Application for Leave to Appeal and Notice of Appeal for Inmate Appeal
- § 4:11 Addendum to Notice of Appeal—Inmate Appeals Only

## **CHAPTER 5. ONTARIO COURT OF APPEAL CRIMINAL APPEAL RULES**

### **I. OVERVIEW**

- § 5:1 Introduction
- § 5:2 Case Law
- § 5:3 Currency

### **II. RULE 1 APPLICATION AND INTERPRETATION**

- § 5:4 [1 Application and Interpretation]
- § 5:5 Related Criminal Code Provisions
- § 5:6 Related Youth Criminal Justice Act Provisions
- § 5:7 Commentary—Predecessor Regulation

### **III. RULE 2 DEFINITIONS**

- § 5:8 [2 Definitions]
- § 5:9 Commentary
- § 5:10 Case Law

### **IV. RULE 3 FORMS**

- § 5:11 [3 Forms]

### **V. RULE 4 PRACTICE DIRECTIONS**

- § 5:12 [4 Practice Directions]

### **VI. RULE 5 COMPUTATION OF TIME**

- § 5:13 [5 Computation of Time]

TABLE OF CONTENTS

§ 5:14 Related Criminal Code Provisions

**VII. RULE 6 COURT DOCUMENTS**

§ 5:15 [6 Court Documents]

§ 5:16 Commentary

**VIII. RULE 7 MANNER OF SERVING AND FILING**

§ 5:17 [7 Manner of Serving and Filing]

§ 5:18 Related Criminal Code Provisions

§ 5:19 Case Law

**IX. RULE 8 TIME FOR SERVING AND FILING NOTICE OF APPEAL**

§ 5:20 [8 Time for Serving and Filing Notice of Appeal]

§ 5:21 Related Criminal Code Provisions

§ 5:22 Case Law

**X. RULE 9 EXTENSION OR ABRIDGMENT OF TIME**

§ 5:23 [9 Extension or Abridgment of Time]

§ 5:24 Related Criminal Code Provisions

§ 5:25 Case Law

**XI. RULE 10 MANNER OF HEARING**

§ 5:26 [10 Manner of Hearing]

**XII. RULE 11 CERTIFICATE RESPECTING IN CAMERA PROCEEDINGS, SEALING ORDERS AND PUBLICATION BANS**

§ 5:27 [11 Certificate Respecting in Camera Proceedings,  
Sealing Orders and Publication Bans]

§ 5:28 Commentary

**XIII. RULE 12 ORIGINAL PAPERS AND EXHIBITS**

§ 5:29 [12 Original Papers and Exhibits]

**XIV. RULE 13 REPRESENTATION OF PARTIES**

§ 5:30 [13 Representation of Parties]

**XV. RULE 14 CHANGE IN REPRESENTATION**

§ 5:31 [14 Change in Representation]

**XVI. RULE 15 APPEAL MANAGEMENT**

§ 5:32 [15 Appeal Management]

§ 5:33 Commentary

**XVII. RULE 16 STATUS COURT AND PURGE COURT**

§ 5:34 [16 Status Court and Purge Court]

**XVIII. RULE 17 SUMMARY DETERMINATION OF APPEALS**

§ 5:35 [17 Summary Determination of Appeals]

§ 5:36 Case Law

**XIX. RULE 18 ABANDONMENT AND REINSTATEMENT OF APPEALS**

§ 5:37 [18 Abandonment and Reinstatement of Appeals]

§ 5:38 Case Law

**XX. RULE 19 REASONS FOR JUDGMENT AND FINAL ORDERS**

§ 5:39 [19 Reasons for Judgment and Final Orders]

§ 5:40 Related Criminal Code Provisions

§ 5:41 Commentary

§ 5:42 Case Law

**XXI. RULE 20 POST-SENTENCE REPORT**

§ 5:43 [20 Post-Sentence Report]

**XXII. RULE 21 MOTIONS — GENERAL**

§ 5:44 [21 Motions — General]

§ 5:45 Case Law

**XXIII. RULE 22 APPLICATIONS FOR RELEASE PENDING APPEAL**

§ 5:46 [22 Applications for Release Pending Appeal]

§ 5:47 Related Criminal Code Provisions

§ 5:48 Commentary

TABLE OF CONTENTS

§ 5:49 Case Law

**XXIV. RULE 23 APPLICATIONS TO SEEK A REVIEW UNDER SECTION 680 OF THE CODE**

§ 5:50 [23 Applications to Seek a Review under Section 680 of the Code]

§ 5:51 Case Law

**XXV. RULE 24 APPLICATIONS TO REVIEW A DECISION RESPECTING JUDICIAL INTERIM RELEASE UNDER SECTION 18(2) OF THE EXTRADITION ACT**

§ 5:52 [24 Applications to Review a Decision Respecting Judicial Interim Release under Section 18(2) of the Extradition Act]

**XXVI. RULE 25 APPLICATIONS FOR LEAVE TO APPEAL A DECISION OF THE SUMMARY CONVICTION APPEAL COURT**

§ 5:53 [25 Applications for Leave to Appeal a Decision of the Summary Conviction Appeal Court]

**XXVII. RULE 26 APPLICATIONS TO STAY A DRIVING PROHIBITION MADE IN SUMMARY CONVICTION PROCEEDINGS PENDING APPEAL**

§ 5:54 [26 Applications to Stay a Driving Prohibition Made in Summary Conviction Proceedings Pending Appeal]

**XXVIII. RULE 27 MOTIONS FOR LEAVE TO INTRODUCE FRESH EVIDENCE**

§ 5:55 [27 Motions for Leave to Introduce Fresh Evidence]

§ 5:56 Commentary

§ 5:57 Case Law

**XXIX. RULE 28 MOTIONS FOR DIRECTIONS**

§ 5:58 [28 Motions for Directions]

§ 5:59 Commentary

**XXX. RULE 29 MOTIONS TO EXPEDITE  
PRODUCTION OF TRANSCRIPTS**

§ 5:60 [29 Motions to Expedite Production of Transcripts]

**XXXI. RULE 30 MOTIONS FOR LEAVE TO  
INTERVENE IN AN APPEAL**

§ 5:61 [30 Motions for Leave to Intervene in an Appeal]

§ 5:62 Commentary

§ 5:63 Case Law

**XXXII. RULE 31 MOTIONS TO APPOINT AMICUS  
CURIAE**

§ 5:64 [31 Motions to Appoint Amicus Curiae]

**XXXIII. RULE 32 MOTIONS TO REMOVE  
LAWYER OF RECORD**

§ 5:65 [32 Motions to Remove Lawyer of Record]

§ 5:66 Commentary

**XXXIV. RULE 33 APPLICATION OF THIS PART**

§ 5:67 [33 Application of this Part]

**XXXV. RULE 34 NOTICE OF APPEAL IN  
SOLICITOR APPEALS**

§ 5:68 [34 Notice of Appeal in Solicitor Appeals]

§ 5:69 Related Criminal Code Provisions

§ 5:70 Commentary

§ 5:71 Case Law

**XXXVI. RULE 35 AMENDMENT OF NOTICE OF  
APPEAL**

§ 5:72 [35 Amendment of Notice of Appeal]

**XXXVII. RULE 36 TRANSCRIPTS — ORDERING**

§ 5:73 [36 Transcripts — Ordering]

§ 5:74 Deficiencies Respecting Transcript Provided

§ 5:75 Case Law

§ 5:76 Form of Certificate

§ 5:77 Deficiencies Respecting Transcript Provided

TABLE OF CONTENTS

**XXXVIII. RULE 37 TRANSCRIPTS —  
PRODUCTION**

§ 5:78 [37 Transcripts — Production]

**XXXIX. RULE 38 TRANSCRIPTS — PRESCRIBED  
CONTENTS**

§ 5:79 [38 Transcripts — Prescribed Contents]

**XL. RULE 39 APPEAL BOOKS**

§ 5:80 [39 Appeal Books]

§ 5:81 Case Law

**XLI. RULE 40 FACTUMS**

§ 5:82 [40 Factums]

§ 5:83 Commentary

§ 5:84 Case Law

**XLII. RULE 41 SENTENCE APPEALS**

§ 5:85 [41 Sentence Appeals]

§ 5:86 Case Law

**XLIII. RULE 42 BOOKS OF AUTHORITIES**

§ 5:87 [42 Books of Authorities]

§ 5:88 Case Law

**XLIV. RULE 43 COMPENDIUMS**

§ 5:89 [43 Compendiums]

**XLV. RULE 44 PERFECTING THE APPEAL**

§ 5:90 [44 Perfecting the Appeal]

§ 5:91 Case Law

**XLVI. RULE 45 FAILURE TO PERFECT THE  
APPEAL**

§ 5:92 [45 Failure to Perfect the Appeal]

§ 5:93 Case Law

**XLVII. RULE 46 LISTING APPEALS**

§ 5:94 [46 Listing Appeals]

§ 5:95 Case Law

**XLVIII. RULE 47 APPEALS IN WRITING**

§ 5:96 [47 Appeals in Writing]

**XLIX. RULE 48 APPLICATION OF THIS PART**

§ 5:97 [48 Application of this Part]

**L. RULE 49 APPLICATION OF THE RULES  
GOVERNING SOLICITOR APPEALS**

§ 5:98 [49 Application of the Rules Governing Solicitor  
Appeals]

**LI. RULE 50 ORDERS MODIFYING OR  
RELIEVING COMPLIANCE WITH CERTAIN  
REQUIREMENTS AND RULES**

§ 5:99 [50 Orders Modifying or Relieving Compliance with  
Certain Requirements and Rules]

**LII. RULE 51 APPLICATION**

§ 5:100 [51 Application]

§ 5:101 Related Criminal Code Provisions

§ 5:102 Related Legal Aid Services Act, 1998 Provisions

§ 5:103 Commentary

§ 5:104 Case Law

**LIII. RULE 52 DEFINITIONS**

§ 5:105 [52 Definitions]

**LIV. RULE 53 NOTICE OF APPEAL**

§ 5:106 [53 Notice of Appeal]

**LV. RULE 54 ORIGINAL PAPERS AND EXHIBITS**

§ 5:107 [54 Original Papers and Exhibits]

§ 5:108 Related Criminal Code Provisions

§ 5:109 Commentary

§ 5:110 Case Law

**LVI. RULE 55 EXTENSION OF TIME**

§ 5:111 [55 Extension of Time]

TABLE OF CONTENTS

**LVII. RULE 56 APPLICATIONS FOR LEAVE TO  
APPEAL IN SUMMARY CONVICTION  
APPEALS**

§ 5:112 [56 Applications for Leave to Appeal in Summary  
Conviction Appeals]

**LVIII. RULE 57 TRANSCRIPTS**

§ 5:113 [57 Transcripts]

**LIX. RULE 58 APPEAL BOOKS**

§ 5:114 [58 Appeal Books]

**LX. RULE 59 PREPARING AN APPEAL TO BE  
HEARD**

§ 5:115 [59 Preparing an Appeal to be Heard]

**LXI. RULE 60 PRESENCE OF APPELLANT**

§ 5:116 [60 Presence of Appellant]

**LXII. RULE 61 APPEALS IN WRITING**

§ 5:117 [61 Appeals in Writing]

**LXIII. RULE 62 APPEAL CONVERSION**

§ 5:118 [62 Appeal Conversion]

§ 5:119 Related Criminal Code Provisions

§ 5:120 Case Law

**LXIV. RULE 63 APPLICATION**

§ 5:121 [63 Application]

**LXV. RULE 64 DEFINITIONS**

§ 5:122 [64 Definitions]

**LXVI. RULE 65 HEARING TO BE EXPEDITED**

§ 5:123 [65 Hearing to be Expedited]

**LXVII. RULE 66 NOTICE OF APPEAL**

§ 5:124 [66 Notice of Appeal]

**LXVIII. RULE 67 TRANSCRIPT**

§ 5:125 [67 Transcript]

**LXIX. RULE 68 APPEAL BOOKS**

§ 5:126 [68 Appeal Books]

**LXX. RULE 69 FACTUMS**

§ 5:127 [69 Factums]

**LXXI. RULE 70 PREPARING AN APPEAL TO BE HEARD**

§ 5:128 [70 Preparing an Appeal to be Heard]

**LXXII. RULE 71 APPLICATIONS RESPECTING DISPOSITION AND PLACEMENT DECISIONS UNDER APPEAL**

§ 5:129 [71 Applications Respecting Disposition and Placement Decisions under Appeal]

**LXXIII. APPENDIX OF FORMS**

- § 5:130 Form 1: General Heading
- § 5:131 Form 2: Backsheet
- § 5:132 Form 3: Affidavit
- § 5:133 Form 4: Acknowledgment of Receipt Card
- § 5:134 Form 5: Affidavit of Service
- § 5:135 Form 6: Notice of Objection to Proposed Manner of Hearing
- § 5:136 Form 7: Certificate Respecting in Camera Proceedings, Sealing Orders and Publication Bans
- § 5:137 Form 8: Requisition
- § 5:138 Form 9: Notice of Change in Representation
- § 5:139 Form 10: Notice of Abandonment
- § 5:140 Form 11: Notice of Motion
- § 5:141 Form 12: Notice of Appeal or Combined Notice of Application for Leave to Appeal and Notice of Appeal
- § 5:142 Form 13: Supplementary Notice of Appeal or Supplementary Combined Notice of Application for Leave to Appeal and Notice of Appeal
- § 5:143 Form 14: Certificate of Transcript Order
- § 5:144 Form 15: Undertaking Regarding Transcripts
- § 5:145 Form 16A: Certificate of Transcript Completion
- § 5:146 Form 16B: Notice of Failure to Submit Certificate of Transcript Completion
- § 5:147 Form 17: Certificate of Completeness of Appeal Book

## TABLE OF CONTENTS

- § 5:148 Form 18: Appellant's Factum — Appeal from Sentence Only
- § 5:149 Form 19: Certificate of Perfection
- § 5:150 Form 20: Notice of Appeal for Inmate Appeal or Combined Notice of Application for Leave to Appeal and Notice of Appeal for Inmate Appeal
- § 5:151 Form 21: Notice of Appeal for Appeal from Order Made under Part XX.1 — Mental Disorder

## **PART III. CRIMINAL PROCEEDINGS RULES — SUPERIOR COURT OF JUSTICE**

### **CHAPTER 6. INTRODUCTION TO CRIMINAL PROCEEDINGS RULES**

- § 6:1 Introduction
- § 6:2 Criminal Proceedings Rules for the Superior Court of Justice (Ontario)
- § 6:3 Toronto Region: Notice to the Profession Regarding CaseLines in Criminal Matters

### **CHAPTER 7. PART I: GENERAL MATTERS**

#### **I. RULE 1 AND RELATED PROVISIONS**

- § 7:1 1 Citation, Application and Interpretation
- § 7:2 Related Criminal Code Provisions
- § 7:3 Case Law

#### **II. RULE 2 AND RELATED PROVISIONS**

- § 7:4 2 Non-Compliance with the Rules
- § 7:5 Case Law

#### **III. RULE 3 AND RELATED PROVISIONS**

- § 7:6 3 Time
- § 7:7 Case Law

#### **IV. RULE 4 AND RELATED PROVISIONS**

- § 7:8 4 Court Documents
- § 7:9 Case Law

#### **V. RULE 5 AND RELATED PROVISIONS**

- § 7:10 5 Service of Documents

- § 7:11 Related Criminal Code Provisions
- § 7:12 Case Law

## **VI. RULE 6 AND RELATED PROVISIONS**

- § 7:13 6 Applications
- § 7:14 Case Law

## **VII. RULE 7 AND RELATED PROVISIONS**

- § 7:15 7 Practice Directions
- § 7:16 Consolidated Provincial Practice Direction for Criminal Proceedings
- § 7:17 Provincial Practice Directions (no longer in effect)
- § 7:18 Guideline to Determine Mode of Proceeding in Criminal Proceedings

# **CHAPTER 8. PRE-TRIAL PROCEEDINGS [RULES 20-29]**

## **I. RULE 20 AND RELATED PROVISIONS**

- § 8:1 20 Judicial Interim Release and Review Applications  
[Code, ss. 520(1), (8); 521(1), (9); 522(1); 523(2)(c)(ii), (3)]
- § 8:2 Related Criminal Code Provisions
- § 8:3 Case Law

## **II. RULE 21 AND RELATED PROVISIONS**

- § 8:4 21 Release of Exhibits for Scientific Testing [Code, s. 605(1)]
- § 8:5 Related Criminal Code Provisions
- § 8:6 Case Law

## **III. RULE 22 AND RELATED PROVISIONS**

- § 8:7 22 Applications to Change the Venue of Trial [Code, s. 599(1)]
- § 8:8 Related Criminal Code Provisions
- § 8:9 Case Law

## **IV. RULE 23 AND RELATED PROVISIONS**

- § 8:10 23 Applications to Procure Attendance of Prisoners  
[Code, ss. 527(2), (7)]
- § 8:11 Related Criminal Code Provisions

## TABLE OF CONTENTS

### **V. RULE 24 AND RELATED PROVISIONS**

- § 8:12 24 Applications to Take Evidence on Commission  
[Code, s. 709]
- § 8:13 Related Criminal Code Provisions
- § 8:14 Related Provisions from the Mutual Legal  
Assistance in Criminal Matters Act, R.S.C. 1985, c.  
30 (4th Supp.)
- § 8:15 Related Provisions from Canada-United States  
Treaty on Mutual Legal Assistance in Criminal  
Matters
- § 8:16 Commentary
- § 8:17 Case Law

### **VI. RULE 25 AND RELATED PROVISIONS**

- § 8:18 25 Applications for Removal as Solicitor of Record
- § 8:19 Related Provisions from Rules of Professional  
Conduct, Law Society of Ontario, Effective  
November 1, 2000
- § 8:20 Case Law

### **VII. RULE 26 AND RELATED PROVISIONS**

- § 8:21 26 Applications for Adjournment
- § 8:22 Related Criminal Code Provisions
- § 8:23 Case Law

### **VIII. RULE 27 AND RELATED PROVISIONS**

- § 8:24 27 Constitutional Issues
- § 8:25 Related Criminal Code Provisions
- § 8:26 Related Charter Provisions
- § 8:27 Related Courts of Justice Act Provisions (R.S.O.  
1990, c. C.43)
- § 8:28 Case Law

### **IX. RULE 28 AND RELATED PROVISIONS**

- § 8:29 28 Pre-Hearing Conferences

### **X. RULE 29 CASE SUPERVISION JUDGES AND CONFERENCES**

- § 8:30 29 Case Supervision Judges and Conferences

### **XI. RULE 29A THE APPOINTMENT OF A CASE MANAGEMENT JUDGE**

- § 8:31 29A The Appointment of a Case Management Judge

§ 8:32 Case Law

**XII. RULE 29B THE APPOINTMENT OF A JUDGE  
TO DETERMINE ISSUES THAT ARE TO BE  
ADJUDICATED IN RELATED TRIALS [CODE,  
S. 551.7]**

§ 8:33 29B The Appointment of a Judge to Determine  
Issues that are to be Adjudicated in Related Trials  
[Code, s. 551.7]

§ 8:34 Related Criminal Code Provisions

§ 8:35 Case Law

**CHAPTER 9. PART III: TRIAL  
PROCEEDINGS AND EVIDENCE [RULES  
30-39]**

**I. RULE 30 APPLICATIONS TO ADMIT  
EVIDENCE**

§ 9:1 30 Applications to Admit Evidence

§ 9:2 Case Law

**II. RULE 31 APPLICATIONS TO EXCLUDE  
EVIDENCE**

§ 9:3 31 Applications to Exclude Evidence

§ 9:4 Case Law

**III. RULE 32 BOOKS OF AUTHORITIES**

§ 9:5 32 Books of Authorities

**IV. RULE 33 FACTUMS**

§ 9:6 33 Factums

**V. RULE 34 HEARING OF PRE-TRIAL AND  
OTHER APPLICATIONS**

§ 9:7 [34.01 Order and Manner of Applications]

§ 9:8 [34.02 Preliminary Assessment of Application]

§ 9:9 Case Law

§ 9:10 [34.03 Dismissal for Non-Compliance with Rules]

§ 9:11 [34.04 Limitations on Oral Argument]

§ 9:12 [34.05 Written Argument]

§ 9:13 Case Law

TABLE OF CONTENTS

**VI. RULE 35 DANGEROUS AND LONG-TERM  
OFFENDER APPLICATIONS**

- § 9:14 [35 Dangerous and Long-Term Offender  
Applications]
- § 9:15 Related Criminal Code Provisions

**CHAPTER 10. SUMMARY CONVICTION  
APPEALS AND EXTRAORDINARY  
REMEDIES**

**I. OVERVIEW**

- § 10:1 Introduction to Summary Conviction Appeals

**II. RULE 40.01 AND RELATED PROVISIONS**

- § 10:2 Rule 40 Summary Conviction Appeals (*Code*, ss.  
813, 830(1))
- § 10:3 Related Criminal Code Provisions
- § 10:4 Case Law

**III. RULE 40.02 AND RELATED PROVISIONS**

- § 10:5 [40.02 Application]

**IV. RULE 40.03 AND RELATED PROVISIONS**

- § 10:6 [40.03 Extension or Abridgment of Time,  
Applications for Directions, and Orders Without  
the Attendance of Counsel]
- § 10:7 Related Criminal Code Provisions
- § 10:8 Case Law

**V. RULE 40.04 AND RELATED PROVISIONS**

- § 10:9 [40.04 Form of Notice of Appeal]
- § 10:10 Related Criminal Code Provisions

**VI. RULE 40.05 AND RELATED PROVISIONS**

- § 10:11 [40.05 Times for Service and Filing]
- § 10:12 Related Criminal Code Provisions
- § 10:13 Case Law

**VII. RULE 40.06 AND RELATED PROVISIONS**

- § 10:14 [40.06 Manner of Service and Filing]

- § 10:15 Related Criminal Code Provisions
- § 10:16 Case Law

### **VIII. RULE 40.07 AND RELATED PROVISIONS**

- § 10:17 [40.07 Processing Appeals]
- § 10:18 Related Criminal Code Provisions
- § 10:19 Case Law

### **IX. RULE 40.08 AND RELATED PROVISIONS**

- § 10:20 [40.08 Transcripts and Agreements Respecting Evidence]
- § 10:21 Related Criminal Code Provisions
- § 10:22 Case Law

### **X. RULE 40.09 AND RELATED PROVISIONS**

- § 10:23 [40.09 Amendment of Notice of Appeal]
- § 10:24 Related Criminal Code Provisions
- § 10:25 Case Law

### **XI. RULE 40.10 AND RELATED PROVISIONS**

- § 10:26 [40.10 Appeal Books]
- § 10:27 Related Criminal Code Provisions

### **XII. RULE 40.11 AND RELATED PROVISIONS**

- § 10:28 [40.11 Facta]
- § 10:29 Case Law

### **XIII. RULE 40.12 AND RELATED PROVISIONS**

- § 10:30 [40.12 Books of Authorities]

### **XIV. RULE 40.13 AND RELATED PROVISIONS**

- § 10:31 [40.13 Perfecting Appeals]
- § 10:32 Related Criminal Code Provisions

### **XV. RULE 40.14 AND RELATED PROVISIONS**

- § 10:33 [40.14 Fixing Date for Hearing]
- § 10:34 Related Criminal Code Provisions
- § 10:35 Case Law

### **XVI. RULE 40.15 AND RELATED PROVISIONS**

- § 10:36 [40.15 Appeals in Writing]

TABLE OF CONTENTS

§ 10:37 Related Criminal Code Provisions

**XVII. RULE 40.16 AND RELATED PROVISIONS**

§ 10:38 [40.16 Trials De Novo]

§ 10:39 Related Criminal Code Provisions

§ 10:40 Case Law

**XVIII. RULE 40.17 AND RELATED PROVISIONS**

§ 10:41 [40.17 Abandonment of Appeals]

§ 10:42 Related Criminal Code Provisions

§ 10:43 Case Law

**XIX. RULE 40.18 AND RELATED PROVISIONS**

§ 10:44 [40.18 Supervision of Appeals and Dismissal for  
Non-Compliance]

§ 10:45 Related Criminal Code Provisions

**XX. RULE 40.19 AND RELATED PROVISIONS**

§ 10:46 [40.19 Appeals Alleging Ineffective Assistance or  
Incompetence of Counsel]

**XXI. RULE 40.20 AND RELATED PROVISIONS**

§ 10:47 [40.20 Time Estimates for Appeal Hearing]

**XXII. RULE 40.21 AND RELATED PROVISIONS**

§ 10:48 [40.21 Hearings of Appeals from Sentence Only]

§ 10:49 Case Law

**XXIII. RULE 40.22 AND RELATED PROVISIONS**

§ 10:50 [40.22 Failure to Appear for the Hearing of the  
Appeal]

§ 10:51 Case Law

**XXIV. RULE 40.23 AND RELATED PROVISIONS**

§ 10:52 [40.23 Reasons for Judgment]

**XXV. RULE 41 AND RELATED PROVISIONS**

§ 10:53 Rule 41 Stays and Suspensions Pending Appeal  
[Code, ss. 261 & 683(5)]

§ 10:54 Related Criminal Code Provisions

§ 10:55 Case Law

## **XXVI. RULE 42 AND RELATED PROVISIONS**

§ 10:56 Rule 42 Release from Custody Pending Appeal  
(*Code*, ss. 816-818, 832)

§ 10:57 Related Criminal Code Provisions

§ 10:58 Case Law

§ 10:59 List of Conditions

## **XXVII. RULE 43 AND RELATED PROVISIONS**

§ 10:60 Rule 43 Extraordinary Remedies (*Code*, s. 774ff)

§ 10:61 Related Criminal Code Provisions

§ 10:62 Case Law

§ 10:63 Related Habeas Corpus Act Provisions (R.S.O.  
1990, c. H.1)

§ 10:64 Case Law—General

§ 10:65 —Habeas Corpus

§ 10:66 —Certiorari

§ 10:67 —Mandamus

§ 10:68 —Prohibition

§ 10:69 —Procedendo

§ 10:70 —Location of Application [r. 43.02]

§ 10:71 Forms

## **CHAPTER 11. OVERVIEW: ONTARIO REVIEW OF PAROLE INELIGIBILITY RULES (RULE 50)**

§ 11:1 Rule 50 Ontario Review of Parole Ineligibility Rules  
[Repealed]

§ 11:2 Related Criminal Code Provisions

§ 11:3 Case Law

## **CHAPTER 12. SUPERIOR COURT OF JUSTICE — PROTOCOLS AND FORMS**

### **I. SCHEDULE 1**

§ 12:1 Schedule 1 Superior Court of Justice Protocol —  
Allegations of Incompetence

### **II. FORMS**

§ 12:1.50 Forms under the Criminal Proceeding Rules of  
the Superior Court of Justice

## TABLE OF CONTENTS

|         |                                                                                                      |
|---------|------------------------------------------------------------------------------------------------------|
| § 12:2  | Form 17 & 18-A1: Combined form 17 and form 18-A1 (province wide)                                     |
| § 12:3  | Form 1: Notice of Application                                                                        |
| § 12:4  | Form 2: Notice of Appeal                                                                             |
| § 12:5  | Form 2A: Supplementary Notice of Appeal                                                              |
| § 12:6  | Form 2B: Notice of Intention to Present Appeal in Writing                                            |
| § 12:7  | Form 2C: Authorized Court Transcriptionist's Certificate Respecting Evidence                         |
| § 12:8  | Form 2D: Authorized Court Transcriptionist's Completion Certificate                                  |
| § 12:9  | Form 3: Back Sheet                                                                                   |
| § 12:10 | Form 4: Affidavit                                                                                    |
| § 12:11 | Form 5: Notice of Application and Constitutional Question                                            |
| § 12:12 | Form 6: Acknowledgement of Receipt Card                                                              |
| § 12:13 | Form 7: Affidavit of Service                                                                         |
| § 12:14 | Form 8: Certificate of Service by Sheriff                                                            |
| § 12:15 | Form 9: Notice of Abandonment                                                                        |
| § 12:16 | Form 10: Release Order                                                                               |
| § 12:17 | Form 10A: Conditions of Release                                                                      |
| § 12:18 | Form 10B: Consent Variation of Release Order under s. 519.1 <i>Criminal Code</i>                     |
| § 12:19 | Form 11: Order Releasing Exhibit(s) for Scientific Testing                                           |
| § 12:20 | Form 12: Order for Attendance of Prisoner at a Court Proceeding                                      |
| § 12:21 | Form 13: Order for Transfer of Prisoner to Custody of Peace Officer                                  |
| § 12:22 | Form 13A: Order for Attendance of Prisoner at Judicial Interim Release or Review Application Hearing |
| § 12:23 | Form 14: Commission                                                                                  |
| § 12:24 | Form 15: Letter of Request                                                                           |
| § 12:25 | Form 16: Order for Commission and Letter of Request                                                  |
| § 12:26 | <i>[Reserved]</i>                                                                                    |
| § 12:27 | <i>[Reserved]</i>                                                                                    |
| § 12:28 | <i>[Reserved]</i>                                                                                    |
| § 12:29 | <i>[Reserved]</i>                                                                                    |
| § 12:30 | <i>[Reserved]</i>                                                                                    |
| § 12:31 | Form 18-C.1: Trial Readiness Report (Where Trial Readiness Court Held)                               |
| § 12:32 | Form 18-C.2: Trial Readiness Report (Where Trial Readiness Court not Held)                           |

- § 12:33 Form 19: Appellant's Factum — Appeal from Sentence Only
- § 12:34 Form 20: Application for Review of Parole Ineligibility
- § 12:35 Form 21: Affidavit in Support of Application for Review of Parole Ineligibility
- § 12:36 Form 22: Requisition
- § 12:37 Form 23: Pre-Hearing Conference Report for Crown Applications (Dangerous and Long Term Offender Applications)
- § 12:38 Ontario Superior Court of Justice's Guidelines to Determine the Mode of Proceeding in Criminal

## **PART IV. CRIMINAL RULES ONTARIO COURT OF JUSTICE**

### **CHAPTER 13. INTRODUCTION TO THE NEW RULES**

- § 13:1 Introduction
- § 13:2 Practice Direction: Trial Dates
- § 13:3 Access court files, documents and exhibits
- § 13:4 Judicial Criminal Pre-trial Best Practices
- § 13:4.50 OCJ Practice Directions
- § 13:5 Can. Reg. SI/2012-30 — Criminal Rules of the Ontario Court of Justice

## **PART V. ONTARIO REVIEW BOARD**

### **CHAPTER 14. RULES OF PROCEDURE**

- § 14:1 Schedule A Review Board Rules of Procedure
- § 14:2 Ontario Review Board Notice to the Professions Practice Direction Concerning Restrictions on the Liberty of an Accused

**Table of Cases**

**Index**